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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,722	02/28/2002	Paul Andrew Abraham	833.0168USQ	2418

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EXAMINER

PETERSON, KENNETH E

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,722

Applicant(s)

ABRAHAM ET AL.

Examiner

Kenneth E Peterson

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 14-32 is/are pending in the application.
- 4a) Of the above claim(s) 8, 10, 19, 20, 22-25 and 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-18, 21 and 26-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. Applicant's preliminary amendment, received 28 February 02 had been missing page 7 containing claims 28-31. Applicant has now supplied page 7, and it has been inserted into the amendment received 28 February 02. Claim 32, which had been renumbered as 28, has now been returned to it's original 32.

2. Claims 8,10,19,20,22-25 and 30-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9. It is noted that Applicant did not specifically elect a species, but Applicant noted which claims read on his election, and those claims are drawn to the species of figure 3.

The traversal is on the ground(s) that the search and examination of all of the groups together could be done without serious burden. This is not found persuasive because the various groups would have to be searched in different areas as indicated by their classification given in paper # 8. Different text searches would have to be performed as well.

The requirement is still deemed proper and is therefore made FINAL.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4,7,21,26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada, who shows a razor head having two arms (3a,3b) with means (16) for placing the razor head in different predetermined positions.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7,21,26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in view of Hendrickson.

Yamada, as set forth above, shows a razor with all of the recited limitations except the gears and push button release mechanism. However, Hendrickson shows that it is well known for razor angle adjustment connectors to comprise two gears (14,24) and a push button release mechanism (32). Hendrickson's push button (32) is a resilient element that could be pressed to disengage one gear from the other.

It would have been obvious to one of ordinary skill in the art to have modified Yamada by replacing each of his connections with the connection of Hendrickson, since it has been held to be obvious to substitute equivalents known for the same purpose (see MPEP 2144.06).

7. Claims 1-4,7,14-16, 21,26 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kleinman in view of Yamada and/or Parkin.

Kleinman shows a razor with most of the recited limitations including a moving toothed blade (26) and a stationary toothed blade (18), a handle (5) having two legs and connectors (21,18) to lock the razor head at a selected pivotal location.

Kleinman's selected pivotal locations are not predetermined. However, such is well known as shown by Yamada (16) and/or Parkin (figures 3-6). It would have been obvious to one of ordinary skill in the art to have replaced Kleinman's arm-head connections with those of Yamada or Parkin, in order to be able to set the razor head at a predetermined position for more comfortable shaving.

8. Claims 1-7,14-18,21 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleinman in view of Hendrickson, or alternately Kleinman in view of Yamada and/or Parkin and further in view of Hendrickson.

Kleinman, as modified by Yamada or Parkin or not, shows a razor with all of the recited limitations except the push button release mechanism for releasing two gear connectors. However, Hendrickson shows that it is well known for razor angle adjustment connectors to comprise two gears (14,24) and a push button release mechanism (32). Hendrickson's push button (32) is a resilient element that could be pressed to disengage one gear from the other. It would have been obvious to one of ordinary skill in the art to have modified Kleinman by replacing each of his connections with the connection of Hendrickson, in order to be able to set the razor head at a predetermined position, and since it has been held to be obvious to substitute

equivalents known for the same purpose (see MPEP 2144.06).

9. Made of record but not relied on are patents to Doyle and Borden showing razors fixable at predetermined angles.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
August 14, 2003



KENNETH E. PETERSON
PRIMARY EXAMINER